

PLANNING BOARD
Meeting Minutes
Tuesday,
March 18, 2014
Town Hall, 120 Main Street
7:00 PM

1 Present: J. Simons, R. Rowen, D. Kellogg, L. Rudnicki, L. McSherry, M. Colantoni

2 Absent:

3 Staff Present: J. Tymon, J. Enright

5 Meeting began at 7:05 pm.

7 **BOND RELEASE**

8 26 Main Street, Jeffco, Corp: Request for partial release of a \$15,000 performance bond.

9 J. Tymon: The developer intends to rectify the problem with the abutting parking spaces by re-striping them and adding concrete parking blocks in front of them. The engineer is going to re-submit the as-built plan to reflect the changes. Reviewed pictures taken of the parking spaces on the abutting lot. These parking spaces existed prior to the development. They were not as clearly identified with striping.

14 L. Rudnicki: The snow is being plowed to the front of the spaces onto the condo's property. Suggested that the issue be resolved prior to the bond release. The condo association should not own an issue with the neighbor years down the road.

17 Doug Ahearn, Developer: The original plan showed the wall where the front of the car in the picture is. The wall was moved back and the parking blocks will be placed right where the front of the car is shown. The cars will be parking a little further out into the abutter's lot and will not be parked on the parcel owned by the condo association (26 Main Street). There is plenty of room for it. The future parking spaces will be as approved in the original plan.

22 J. Tymon: An estimate of \$500 has been submitted for the work that remains to be done. The developer is requesting a partial release of \$13,000.

24 **MOTION**

25 A motion was made by R. Rowen to release \$13,000 of the performance bond for 26 Main Street. The motion was seconded by D. Kellogg. The vote was 5-0, in favor. L. Rudnicki abstained.

28 **DISCUSSION**

29 High Street: Discussion with RCG regarding potential bylaw changes for the Downtown Overlay District.

31 J. Tymon: RCG has purchased the complex across the street from the mill complex they already own on High Street.

33 David Steinbergh and Seth Zeren, RCG: The new site has been under a master lease for approximately 30 years. A nine page presentation was reviewed with the Board that provided an overview of the parcel locations, parking locations, age and current use of existing buildings, underlying zoning, Downtown Overlay District boundary, a Planned Development District (PDD) option, conceptual programming, short-term initiatives, and a long-term master plan. This property will not be owned by the same ownership group as the East Mill. The Downtown Overlay District allows for a lot of what we plan to do at this location. The East Mill was permitted as a PDD. The plan is to do a similar project as what was done at the East Mill with mixed uses, diversify the property, bring in small to medium sized commercial Uses, and residences. There may need to be some bylaw language clarifications for the Downtown

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Overlay District to help determine how to apply it to a parcel like this. Some adjustments may need to be made to the bylaw. Relatively soon there will be a request before the Board to add parking to the u-shaped drive that faces High Street. This would add 30 parking spaces around the park without having to take down any trees, affecting the seating area, or adding to the stormwater runoff. Adding the parking is considered a critical first step in attaining tenants. Hopefully, within a few weeks there will be a good sense of a long-term vision for the property.

J. Simons: If there is a vision of where you want to be in the long-term we can line up a flexible approach to the zoning required now.

D. Steinbergh: In the short-term, with some clarifications of the Downtown Overlay, we can work towards getting some tenants in the buildings. There is still a long-term vision to create housing units in the neighborhood. Twenty seven apartments were created in the East Mill. There have been discussions with the Public Works as to how to make the intersection of High Street and Water Street better. We have offered our cooperation and will continue to work with them to improve the intersection.

J. Simons: What bylaw changes are needed for this year's Town Meeting.

D. Steinbergh: The first need is clarification of the language for Uses. Do the Uses allowed in the underlying zoning districts and the Downtown Overlay Uses both apply? If there is some Use not yet thought of will we have to go back to have it added or could there be some flexible language added that allows the Planning Board to add a Use?

J. Tymon: Light manufacturing is not specifically allowed in the Downtown Overlay but it is allowed in the underlying zoning district. In a discussion with the Town Manager and Building Inspector it was stated that either zoning district can be applied. It was also discussed that the Use could be added to the Overlay district by Special Permit. An overlay is an addition to, you still have the underlying zoning district Uses.

Seth Zeren: Flexibility of Uses and parking are of concern. The Downtown Overlay language speaks to a different kind of building and parcel structure than what exists here. Also, there is a concern that any issue with building conformance in a dimensional characteristic doesn't create problems in terms of a non-conformity being extended and become a variance issue. One option discussed was a series of amendments to the Downtown Overlay; however, those would extend over the entire overlay.

J. Simons: We would prefer not to have a bylaw change that would allow any Use as long as the Planning Board allows it. That is too broad. The discretion would have to be limited to a certain degree.

R. Rowen: Is there a pressing need to make a change to the bylaw right now?

S. Zeren: The three areas of concern that we want to make sure we don't have any issues with are: clarifying the language on the Uses, the parking design standards are suitable for these parcels, and the dimensional standards. These are existing buildings that we plan to preserve to the maximum extent possible. In order to do that we want to make sure they are compliant. If they are non-conforming with the underlying zoning there is an issue with us changing the Uses in those non-conforming structures. That becomes an extension of a non-conforming Use.

J. Simons: Language can probably be put in the bylaw to protect changing a Use in a non-conforming, existing building in the Overlay District. The parking can be handled with a Special

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Permit. Both the Downtown Overlay and the PDD specify Uses and they are reasonably broad. If there is anything reasonable you know of that you want on the specified list we can try to put it in now.

Zoning Bylaw: Wind Turbines and Registered Marijuana Dispensaries.

J. Tymon: Provided an overview of the Board of Selectmen comments related to the draft bylaws for each. Their primary feedback centered on widening the Overlay for the Medical Marijuana Overlay District. The discussion on the Wind Turbine draft bylaw centered on questions related to setbacks.

Board: General consensus was to go forward with the drafts the way they are. Changes can be made in the future if needed.

MEETING MINUTES

Approval of March 4, 2014 meeting minutes.

MOTION

A motion was made by L. Rudnicki to approve the March 4, 2014 meeting minutes. The motion was seconded by D. Kellogg. The vote was unanimous, 6-0 in favor.

ADJOURNMENT

MOTION

A motion to adjourn the meeting was made by M. Colantoni. The motion was seconded by D. Kellogg. The vote was unanimous, 6-0 in favor.

The meeting adjourned at 8:30 pm.

MEETING MATERIALS: Agenda, 26 Main Street: Email dated 3/17/14 from George Hughes to J. Tymon re: parking; 2 photos of abutting parking lot; Discussion Item, High Street: West Mill North Andover Ma, 01845 presentation dated 3/18/14 from RCG, Article XX Amend Section 18 Downtown Overlay District proposed language; Zoning Bylaw: Medical Marijuana/Wind Turbines, memo summary of the comments and feedback from BOS meeting on 3/10/14, Article XX, Amend Zoning Map – Wind Facilities, Summary of Wind Turbine Bylaws, Article – From Windmills to 7.5-MW Wind Turbines, Oliver: Mass GIS's online mapping tool Wind Speed Map, Wind Speed Map North Andover, Article XX, Amend Zoning Map-Medical Marijuana Overlay District proposed language, Draft Medical Marijuana Bylaw Version 2 February 13, 2014, Article XX, North Andover MIMAP aerial photos MMOD MIMAP & MMOD 3 (2), 1600 Osgood Street Smart Growth Overlay District Zoning Map, ; North Andover Zoning Map, Draft meeting minutes 03/04/14.